REMARKS

The amendments to the specification first cross reference the priority document filed previously and secondly substitute the patents incorporated by reference with their U.S. equivalent.

Per August 3, 2004 interview discussion, amended claim 1 and claims 62 and 63 are submitted and believed to be in condition for allowance.

35 USC §112

As suggested in the Office Action, it is the isocyanate functionality multiplied by the functionality of the polyol that is intended by the claim limitation referenced. This is supported by page 11, line 9 through page 12 lines 2 of the original application and the amendment to page 5, line 7-9. Accordingly, the amendment merely clarifies this well supported point without narrowing.

35 USC §102

Of the currently pending claims, claims 1, 62 and 63 are independent. As currently amended, all three now include limitations that the material be a seat cushion, and that the adhesion claimed occurs during curing *in a mold.* This is discussed further below.

For the examiners convenience after lengthy prosecution, and not for any limiting reason, the applicant points out the following:

- Claim 1 recites *only* a mixture of polyol components, avoiding the Kendoff reference under sec. 102 as noted in the examiners interview summary;

- Claim 62 also recites *only* a mixture of polyol components, but recites the first component differently than it was claimed in claim 1;
- Claim 63 recites *either* a mixture of polyol components *or* a single polyol component, as earlier rejected in claim 1, but amends the claim to add the seat cushion limitation and to clarify the adhesion during curing limitation.

The amendments to claim 1 are supported at page 5, line 28 through page 6, line 2.

The "mixture" limitations

The Original claims stand rejected under §102 over multiple references, including the Kenndoff reference. The limitations as amended in claims 1 and 62 are to only a mixture of polyol components, and not a single polyol component. A mixture of polyol components is not disclosed in the Kendoff reference. Accordingly, Kendoff cannot anticipate independent claim 1 or 62 or the claims that depend from them.

The "gel" limitations

The currently pending Final Office Action maintains §102 rejections over inapposite prior art references to Mueller (5,543,225), Gardner (6,013,210), Madan (6,294,248), and Burgdorfer (4,456,642). The Final Office Action comments that the Applicant's definition of "gel" in its prior remarks to amendments is inadequate. The remarks defined the gel as being a specific material patented in EP 511570 (equivalent to U.S. Patent No. 5,362,834 to Schapel et al. and assigned to Bayer).

With all due respect to the Examiner's application of MPEP §2211 to the claim term "gel," the comment and the maintenance of the §102 rejections over these references begs the question. The definitive characteristics and parameters of the gel claimed are spelled out in painstaking detail at least four times in the present record. The original application and the

Schapel reference, numerous references in the amendments and remarks in response to Office Actions, and the original claims all repetitively recite the characteristics of the gel claimed. Some of these characteristics include hydroxyl numbers, weight ratios and functionalities. For example, claim 1 to a polyurethane gel adds limitations to particular ranges of hydroxyl numbers, weight ratios and functionalities. These existing claim recitations are the same characteristics that comprise and define the "gel" term of the claim. They are stated throughout the original application, throughout the Schapel reference, and throughout the file history.

These limitations are not found in the cited references. Accordingly, Applicant has already precisely defined in its original application, both by enumeration and by reference to the Schapel reference, the definitive characteristics of the claimed gel, such as for example hydroxyl numbers, weight ratios and functionalities. These remain the structural limitations of the currently pending claims. Hence, the currently pending claims, as did the original claims, particularly point out and distinctly claim that which the Applicant regards as his invention.

Nevertheless, in order to further clarify and without narrowing the claims, the first recitation of a "polyurethane gel" in the first limitation of independent claims 1, 62 and 63 has been amended to claim a "polyurethane gel compound based on reaction products of polyols and polyisocyanates". This amendment, just as the original recitation of polyurethane gel, reiterates a one to one correspondence with the further limitations of those independent claims. Even further support may be found in the Schapel reference at column 1, lines 43-44, as incorporated by reference in the original application.

The "in a mold" limitations

Claims 1, 62 and 63 have also been amended to claim a seat cushion wherein the gel and foam are adhered while one or the other cures *in a mold.* This is proper under MPEP

§2173.05(p). This limitation is consequential in that it recites a process that yields a novel and non-obvious resulting product. This limitation is not found in the prior art. Accordingly, all the claims, including claim 63 covering either a polyol component mixture or a single polyol, should be allowed over the art of record.

The "seat cushion" limitations

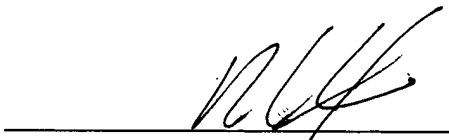
Finally, claims 1, 62 and 63 have been amended in the preamble and with the final limitation to clarify that they are drawn to seat cushions. The Kenndoff reference cannot anticipate a seat cushion since it discloses only a wound dressing. Accordingly, all the claims, including claim 63 covering either a polyol component mixture or a single polyol, should be allowed over the art of record.

Conclusion

It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,



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